

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JACKSON NATIONAL LIFE
INSURANCE COMPANY,

Plaintiff,

v.

STERLING CRUM

Defendant.

Case No.

1:17-cv-03857-SCJ

DEFENDANT STERLING CRUM'S MOTION TO DISMISS

Defendant Sterling Crum (hereinafter referred to as "Crum" or "Defendant"), by and through undersigned counsel and pursuant to Fed. R. Civ. P. 12(b)(6), hereby respectfully moves this Court to dismiss Counts I and II of Plaintiff Jackson National Life Insurance Company's (hereinafter "Plaintiff") Complaint (D.E. 1) as both claims are factually deficient, fail to state an actionable claim, and are barred by the relevant incontestability statutes and/or statutes of limitation applicable to the claims raised by Plaintiff. As it set forth in Crum's contemporaneously filed Memorandum of Law in support of this Motion to Dismiss, Plaintiff is effectively seeking a court sanctioned fishing expedition into

the intent of the insured of a life insurance policy who is now deceased, all the while speculating about alleged fraudulent conduct that could have been discovered and addressed during the two year contestability period applicable to the policy.

For the reasons outlined above, and the additional reasons discussed in Crum's Memorandum of Law in Support of this Motion, Counts I and II of Plaintiff's Complaint should be dismissed with prejudice.

Respectfully submitted this 20th day of November, 2017.

/s/ Scott E. Zweigel
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CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the foregoing **DEFENDANT STERLING CRUM'S MOTION TO DISMISS** using the Court's CM/ECF system, which will send electronic notification of such filing to all counsel of record.

This 20th day of November, 2017.

/s/ Scott E. Zweigel